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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,252	12/04/2003	Raghavendra Ts Prasad	H0005762	4668

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,252

Applicant(s)

PRASAD ET AL.

Examiner

Ronald D. Hartman Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/2/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9, 11-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 7-9, 11-15 and 17-18 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-5, 7-9, 11-15 and 17-18 are presented for further examination.

Claim Rejections - 35 USC § 102 (maintained)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-5, 7-9, 11-15 and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Tapperson et al., U.S. Patent Application No. 2005/0047331.

As per claims 1, 8, 11, 14-15 and 18, Tapperson et al. teaches a method comprising:

- providing a wireless communication connection between a first client and a field device management station (hereafter: FDMS), wherein when an operator issues a first control command to a first field device, using the first client, the first control command is transferred to the FDMS and then is forwarded to the first field device using a control network so as to allow the operator the ability to manage the first field device (e.g. allowing for wireless communications between a central control room and remotely located field devices; [0006], [0020]-[0021], [0035], claim 1 and Figure 2, elements 104, 106, 108 and 114); and
- providing a wired communication connection between a second client and the FDMS, wherein when an operator issues a second control command to a second field device, using the second client, the second control

command is transferred to the FDMS and then is forwarded to the second field device (e.g. utilizing a hard-wired connection; [0009] and Figure 2, elements 103, 90, 88, 94, 92 and 102).

It is noted that although Tapperson et al. may not specifically teach communicating a "first", "another", "second" or "third" command to a "first", "second" or "third" field device, these are both communication capabilities that the system disclosed by Tapperson et al. inherently possesses the ability to perform. That is, since Tapperson et al. clearly teaches the use of a remote management system wherein multiple devices may be controlled either using a wirelessly connected control unit or by using a wire connected control unit, Tapperson et al. clearly sets forth the ability to manage any one of plurality of field devices using either control unit and as such, a first, another, second and third command as well as a first, second and third field devices, and the communications which may occur there between, are adequately anticipated by the teachings of Tapperson et al.

It is also noted that there does not appear to be any discernable difference between the first control command, another control command, a second control command and a third control command, and therefore, they are interpreted to be one and the same, that is, they are all simply control commands, per se, regardless of which control unit (wired or wireless control unit) has issued them and regardless of which field device (first, second or third) is receiving the actual control command.

As per claim 2, Tapperson et al further teaches the distributed control network utilizing a feature wherein if there is a problem with the hard-wired connection, a direct connection via wireless connection may be used in order to continue monitoring and controlling the remotely located filed devices (e.g. [0035]).

As per claim 4, a feature wherein wireless communication occurs over the entire communication path appears to be, as best understand by the Examiner, a feature that

is adequately anticipated by Tapperson's discussion of utilizing wireless communications so as to allow an operator the ability to remotely control the field devices even in the event that a hard wired connection has failed for some reason (e.g. [0035]).

As per claim 5, Tapperson et al. further teaches the utilization of a network device (e.g. "controller", "process analyzer" and/or the "H2 to H1 bridge"; Figure 2, elements 62 or 88, 72 and 92, respectively).

As per claims 8-9, although Tapperson et al does not specifically disclose the use of a data block manager, it is a feature that is inherent to Tapperson's disclosed system since there must be some type of data managing means in order for the system to accomplish the disclosed features of allowing remote control and monitoring of field devices through a wireless and wired communication network since information received from the field devices, as well as information communicated to the field devices, must be handled in some fashion so as to make sure the information reaches its intended target, whether it be the central control or the location of the actual field devices, and therefore these features are believed to be adequately anticipated by the disclosed system discussed by way of Tapperson et al.

As per claims 7, 13 and 17, Tapperson et al. further teaches maintaining a central log, with regards to issued commands, and their effects thereof (e.g. contemplated by Tapperson's capability of knowing the status of each of the field devices, including information related to the maintenance of the field devices; [0008]).

As per claims 11-12, a wireless client handler and a wired client handler are both inherent to the disclosed system contemplated by Tapperson et al. since clearly there must exist some way of handling the communications which occur, whether the communications occur wirelessly or via a wired connection, and therefore since there must exist some type of means for handling the communications of both the wired

connection and the wireless connection, client handlers are believed to be adequately anticipated by the disclosed system as disclosed by Tapperson et al.

Allowable Subject Matter

4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claim 3, the prior art of record fails to teach or adequately suggest the communication path, as described with regards to the Applicants Remarks section, specifically page 9, 2nd to last paragraph. That is, a command being processed by the client, then by the FDMS, then by the client again, followed by the field device, in combination with the other claimed features and or limitations as claimed.

Response to Arguments

5. Applicant's arguments filed on 8/2/2005, with regards to claims 1, 2 and 8 have been fully considered but they are not persuasive for the following reasons:

- with regards to claims 1 and 8, the applicant has argued that Tapperson does not specifically teach a wireless connection from the client to the field device. The Examiner respectfully disagrees and the applicants attention is directed to [0035] in which a hard wired connection is disabled via an explosion, and the wireless connection takes over for the damaged hard wired connection, thereby forming a more reliable communication system. This features anticipates the claimed features of claims 1 and 8, especially in light of the applicants Remarks on page 8, 4th paragraph; and
- with regards to claim 2, the applicant has argued that Tapperson does not adequately suggest the non use of the control network. The Examiner respectfully disagrees and once again the applicants attention is directed to [0035] in which clearly a disaster scenario is contemplated, one in which a wireless connection may allow a remote operator the ability to control field devices even in the event that a hard wired connection has suffered a major failure, and therefore since the Field bus may be altogether avoided by directly communicating with the field devices wirelessly, these

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features are adequately contemplated by the disclosure of Tapperson, specifically [0035].

Applicant's arguments filed on 8/2/2005, with regards to claim 3 have been fully considered and they are considered persuasive for the following reasons:

The Examiner agrees with the applicant that Tapperson does not adequately teach a communication path consisting of starting a command at the client, having the command go to the FDMS, then back to the client and then to the field device, and therefore the rejection of this claim is withdrawn.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

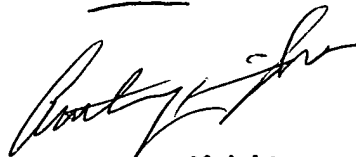
Ronald D Hartman Jr.

Patent Examiner

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x RDH

October 17, 2005

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight
Supervisory Patent Examiner
Group 3600